

Public Notice – Amendment of Water Quality Management Planning Regulation

Notice of action: The State Water Control Board (Board) is considering the amendment of the regulation on water quality management planning in accordance with the Public Participation Procedures for Water Quality Management Planning. A regulation is a general rule governing people's rights or conduct that is upheld by a state agency.

Purpose of notice: The Board is seeking comments through the Department of Environmental Quality on the proposed amendment. The purpose of the amendment to the state's Water Quality Management Planning Regulation (9 VAC 25-720) is to adopt four Total Maximum Daily Load (TMDL) waste load allocations.

Public comment period: January 13 – February 13, 2014

Description of proposed action: DEQ staff will propose amendments of the state's Water Quality Management Planning regulation for the James River Basin (9 VAC 25-720-130.A). Statutory authority for promulgating these amendments can be found in §62.1-44.15(10) of the Code of Virginia.

Staff intends to recommend 1) that the board approve the TMDL reports as the plan for the pollutant reductions necessary for attainment of water quality goals in the impaired segments, 2) that the Board authorize inclusion of the TMDL reports in the appropriate Water Quality Management Plan, and 3) that the Board adopt four TMDL waste load allocations as part of the state's Water Quality Management Planning Regulation in accordance with §2.2-4006A.4.c. and §2.2-4006B of the Code of Virginia.

The TMDL reports were developed in accordance with federal regulations (40 CFR §130.7) and are exempt from the provisions of Article II of the Virginia Administrative Process Act. The reports were subject to the TMDL public participation process

contained in DEQ's Public Participation Procedures for Water Quality Management Planning. The public comment process provides the affected stakeholders an opportunity for public appeal of the TMDL. EPA approved the TMDLs presented under this public notice. The approved reports can be found at <http://www.deq.virginia.gov/Programs/Water/WaterQualityInformationTMDLs/TMDL/TMDLDevelopment/ApprovedTMDLReports.aspx>

Affected Waterbodies and Localities:

In the James River Basin (9VAC25-720-60):

1. *"Phelps Branch Sediment TMDL Development Report for a Benthic Impairment in Appomattox County, Virginia"*
 - The Phelps Branch TMDL proposes sediment reductions for the watershed and provides a sediment wasteload allocation of 115.7 tons/year.
2. *"Sediment TMDL Development Report for Benthic Impairments in Long Branch and Buffalo River in Amherst County, Virginia"*
 - The Long Branch and Buffalo River TMDLs propose sediment reductions for portions of the watershed and provide a sediment wasteload allocation of 16.2 tons/year for Long Branch and 306.4 tons/year for Buffalo River.
3. *"Benthic Total Maximum Daily Load Development for Chickahominy River, Virginia"*
 - The Chickahominy River TMDL, located in Hanover and Henrico counties, proposes sediment reductions for portions of the watershed and provides a sediment wasteload allocation of 294.03 tons/year.

How to comment: The DEQ accepts written comments by e-mail, fax and postal mail. All written comments must include the full name, address and telephone number of the person commenting and be received by DEQ by 5 p.m. on the last day of the comment period.

How a decision is made: After comments have been considered, the Board will make the final decision. Citizens that submit statements during the comment period may

address the board members during the board meeting at which a final decision is made on the proposal.

To review documents: The TMDL report is available on the DEQ web site at <http://www.deq.virginia.gov/Programs/Water/WaterQualityInformationTMDLs/TMDL/TMDLDevelopment/ApprovedTMDLReports.aspx> and by contacting the DEQ representative named below. The electronic copies are in PDF format and may be read online or downloaded.

Contact for public comments, document requests and additional information:

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